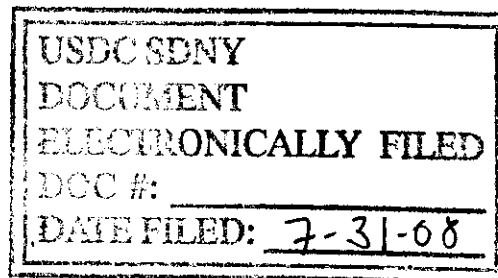


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Andrew J. Spano
County Executive

Office of the County Attorney

Charlene M. Indelicato
County Attorney



July 29, 2008

**BY FACSIMILE WITH PRIOR
PERMISSION TO (212) 805-6111**

Hon. Henry B. Pitman
Chief United States Magistrate Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 750
New York, New York 10007

Re: Michael Clemons v. CO Futch et al; 07 Civ. 7200 (LAP) (HBP)

Dear Judge Pitman:

This Office represents individual defendant Karl Vollmer (n/h/a "Assistant Warden Vallmer") in the above referenced matter.

As indicated in the United States Marshals Service's ("USMS") Statement of Service forms, copies of the above referenced Summons and Complaint were mailed to the defendants in this matter on June 18, 2008. Such service would have required a return of said forms to the USMS on or July 18, 2008.

On July 18, 2008, this Office returned a Statement of Service to the USMS on behalf of individual defendant Vollmer. Earlier today, I returned Statement of Service forms to the USMS that were received by this Office from the remaining defendants, named in the complaint as "Westchester County Correction Medical Department" and "CO Futch."

Based upon the time limitations indicated in the Statement of Service, a response to the Complaint would be required on or before August 7, 2008. Although I have returned the Statement(s) of Service as a courtesy to the remaining defendants, a determination with regard to whether this Office will represent them in this matter has not yet been made. Accordingly, in order to preserve their rights, I respectfully request that the time for all parties to respond to the Complaint in this matter be extended by four (4) weeks, to September 4, 2008.

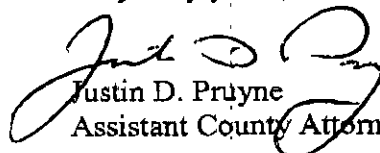
Hon. Henry Pitman
July 28, 2008
Page 2 of 2

Such an extension will allow this assist in providing a consolidated response from all defendants represented by this Office and/or afford time for defendants not represented by this Office to obtain counsel. No prior request for an extension have been made. While I have copied Mr. Clemons on this correspondence, I do not have his telephone contact information to ascertain whether he consents to the same.

Should you or your staff have any questions with regard to this matter, I may be contacted at (914) 995-5102 or by e-mail to jdp3@westchestergov.com. I respectfully request that any determination with regard to this request be returned to me by facsimile to (914) 995-3132, so that I may send a copy to Plaintiff by overnight courier.

Thank you for your consideration of this request.

Very truly yours,


Justin D. Pruyne
Assistant County Attorney

cc:
Michael Clemons
Plaintiff Pro Se
245 Warburton Avenue
Yonkers, New York 10701

APPLICATION DENIED.
COUNSEL CANNOT SEEK
RELIEF ON BEHALF OF
PARTIES HE DOES NOT
REPRESENT.

SO ORDERED


HENRY PITMAN
UNITED STATES MAGISTRATE JUDGE

7-31-08